

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN FRANCIS,

Defendant.

4:23CR3045

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Plaintiff's Motion for Preliminary Order of Forfeiture ([Filing No. 105](#)). The Court has carefully reviewed the record in this case and finds as follows:

1. On November 13, 2024, a jury found the Defendant guilty of Count 1 and Count 2 of the Indictment. (Filing No. 96.)

2. Count 1 of the Indictment charged Defendant with Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). ([Filing No. 1.](#))

3. Count 2 of the Indictment charged Defendant with Carrying or Using a Firearm During and in Relation to a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). *Id.*

4. The Forfeiture Allegation of the Indictment sought the forfeiture of \$6,107.00 in United States currency seized on or about March 4, 2023, and a Springfield Armory Hellcat 9mm pistol, as "property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and/or property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses."

5. On November 13, 2024, Defendant agreed to the forfeiture. (Filing No. 96.)

6. Defendant has forfeited his interest in the subject currency and the United States is entitled to possession of said currency and firearm pursuant to 21 U.S.C. § 853.

Accordingly,

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture ([Filing No. 105](#)) is granted.
2. Based upon the Forfeiture Allegation of the Indictment and the guilty verdict, the Government is hereby authorized to seize the \$6,107.00 in United States currency and the Springfield Armory Hellcat 9mm pistol.
3. Defendant's interest in the \$6,107.00 in United States currency and the Springfield Armory Hellcat 9mm pistol is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$6,107.00 in United States currency and the Springfield Armory Hellcat 9mm pistol is to be held by the Government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the United

States currency and/or firearm(s), shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$6,107.00 in United States currency and the Springfield Armory Hellcat 9mm pistol as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 15th day of November, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Susan M. Bazis". The signature is fluid and cursive, with the first name "Susan" and last name "Bazis" clearly distinguishable.

Susan M. Bazis
United States District Judge